

110TH CONGRESS
2D SESSION

S. 2900

To provide States with the incentives, flexibility and resources to develop child welfare services that focus on improving circumstances for children, whether in foster care or in their own homes.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2008

Mr. BROWN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide States with the incentives, flexibility and resources to develop child welfare services that focus on improving circumstances for children, whether in foster care or in their own homes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Partnership for Children and Families Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents; references.

TITLE I—EXPANDED ELIGIBILITY FOR ADOPTION ASSISTANCE
AND FOSTER CARE

Sec. 101. Adoption assistance.

Sec. 102. Foster care maintenance payments.

TITLE II—CHILD WELFARE REINVESTMENT FUNDING

Sec. 201. Child welfare reinvestment funding.

TITLE III—EFFECTIVE DATES

Sec. 301. Effective dates.

1 (c) REFERENCES.—Except as otherwise expressly
2 provided, wherever in this Act an amendment or repeal
3 is expressed in terms of an amendment to, or repeal of,
4 a section or other provision, the amendment or repeal shall
5 be considered to be made to a section or other provision
6 of the Social Security Act.

7 **TITLE I—EXPANDED ELIGI-**
8 **BILITY FOR ADOPTION AS-**
9 **SISTANCE AND FOSTER CARE**

10 **SEC. 101. ADOPTION ASSISTANCE.**

11 Section 473(a) (42 U.S.C. 673(a)) is amended by
12 striking paragraph (2) and inserting the following:

13 “(2)(A) For the purposes of paragraph
14 (1)(B)(ii), a child meets the requirements of this
15 paragraph if the child—

16 “(i)(I) at the time of the adoption pro-
17 ceedings were initiated, had been removed from
18 his or her home—

1 “(aa) pursuant to a voluntary place-
2 ment agreement with respect to which
3 Federal payments are made under section
4 474; or

5 “(bb) as a result of a judicial deter-
6 mination to the effect that continuation
7 therein would be contrary to the welfare of
8 the child, including such determination
9 made on account of a voluntary relinquish-
10 ment;

11 “(II) was residing in a foster family home
12 or in a child care institution with the child’s
13 minor parent as described in section 475(4)(B);
14 and

15 “(ii) has been determined by the State,
16 pursuant to subsection (c) to be a child with
17 special needs.

18 “(B) A child who meets the requirements of
19 subparagraph (A)(ii), who was determined eligible
20 for adoption assistance payments under this part
21 with respect to a prior adoption, and who is avail-
22 able for adoption because the prior adoption has
23 been dissolved and the parental rights of the parents
24 have been terminated or because the adoptive par-
25 ents have died, shall be treated as meeting the re-

1 requirements of this paragraph for the purposes of
 2 paragraph (1)(B)(ii).”.

3 **SEC. 102. FOSTER CARE MAINTENANCE PAYMENTS.**

4 (a) ELIMINATION OF INCOME ELIGIBILITY REQUIRE-
 5 MENT.—Section 472(a) (42 U.S.C. 672(a)) is amended—

6 (1) in paragraph (1), by striking “if” and all
 7 that follows and inserting “if the removal and foster
 8 care placement met, and the placement continues to
 9 meet, the requirements of paragraph (2).”; and

10 (2) by striking paragraphs (3) and (4).

11 (b) CONFORMING AMENDMENT.—Section 470 (42
 12 U.S.C. 670) is amended by striking “who otherwise would
 13 have been eligible for assistance under the States plan ap-
 14 proved under part A (as such plan was in effect on June
 15 1, 1995)”.

16 **TITLE II—CHILD WELFARE**
 17 **REINVESTMENT FUNDING**

18 **SEC. 201. CHILD WELFARE REINVESTMENT FUNDING.**

19 Section 474 (42 U.S.C. 674) is amended by adding
 20 at the end the following:

21 “(g) CHILD WELFARE REINVESTMENT FUND.—

22 “(1) IN GENERAL.—Each State with a plan ap-
 23 proved under this part for a fiscal year may submit
 24 to the Secretary an application to—

1 “(A) receive foster care maintenance pay-
2 ment savings achieved by reducing the total
3 number of days children in the State experience
4 in foster care during the fiscal year; and

5 “(B) use the savings to—

6 “(i) provide to children in the State
7 family preservation services, family support
8 services, time-limited family reunification
9 services and adoption promotion and sup-
10 port services, as such terms are defined in
11 section 431(a); and

12 “(ii) train the staff of State and local
13 child welfare agencies, of child welfare
14 service providers, or of providers of related
15 services aimed at keeping children in their
16 homes, on effective practices relating to
17 the provision of any service referred to in
18 this subparagraph.

19 “(2) CONTENTS OF APPLICATION.—An applica-
20 tion submitted by a State pursuant to this sub-
21 section shall contain—

22 “(A) an estimate of the the total number
23 of placement days the State will experience for
24 the fiscal year covered by the application, and

1 a detailed description of the methodology used
2 to make the estimate;

3 “(B) a plan which—

4 “(i) sets forth a detailed description
5 of how any amount paid to the State under
6 this subsection would be used as described
7 in paragraph (1)(B) of this subsection;

8 “(ii) contains the assurances described
9 in section 422(b)(8);

10 “(iii) does not impair the entitlement
11 of any qualified child or family to benefits
12 under the State plan approved under this
13 part; and

14 “(iv) is consistent with any corrective
15 action plan that the State may be imple-
16 menting pursuant to section 1123A; and

17 “(C) such other information as the Sec-
18 retary may require.

19 “(3) APPROVAL OF APPLICATIONS.—Beginning
20 October 1, 2008, the Secretary may approve an ap-
21 plication submitted by a State pursuant to this sub-
22 section if—

23 “(A) the State and the Secretary have
24 agreed on the State’s estimate of the total num-
25 ber of placement days the State will experience

1 for the fiscal year covered by the application;
 2 and

3 “(B) the approval of the application would
 4 not—

5 “(i) result in the State violating any
 6 assurances made by the State pursuant to
 7 section 422(b)(8); or

8 “(ii) result in the impairment of the
 9 entitlement of any qualified child or family
 10 to benefits under the State plan approved
 11 under this part.

12 “(4) PAYMENTS TO STATES.—

13 “(A) IN GENERAL.—In addition to any
 14 other payment under this part for a fiscal year
 15 for which a State application under this sub-
 16 section is approved by the Secretary, the State
 17 shall be entitled to receive from the Secretary
 18 an amount equal to the lesser of—

19 “(i) the foster care maintenance pay-
 20 ment savings achieved by the State for the
 21 fiscal year; or

22 “(ii) the Federal medical assistance
 23 percentage (as defined in section 1905(b))
 24 of the total of the amounts expended by
 25 the State during the fiscal year to carry

1 out any activity described in the applica-
 2 tion pursuant to paragraph (2)(B)(i) of
 3 this subsection and with respect to which
 4 amounts the State is not otherwise entitled
 5 to receive a payment from the Federal
 6 Government.

7 “(B) DETERMINATION OF SAVINGS.—

8 “(i) IN GENERAL.—For purposes of
 9 subparagraph (A)(i), the foster care main-
 10 tenance payment savings achieved by a
 11 State for a fiscal year shall be an amount
 12 equal to—

13 “(I) the foster care maintenance
 14 unit cost of the State for the fiscal
 15 year; multiplied by

16 “(II) the amount (if any) by
 17 which the number of placement days
 18 estimated by the State for the fiscal
 19 year pursuant to paragraph (3)(A) ex-
 20 ceeds the number of placement days
 21 experienced by the State during the
 22 fiscal year.

23 “(ii) DEFINITIONS.—In this sub-
 24 section:

“(I) FOSTER CARE MAINTENANCE UNIT COST.—The term ‘foster care maintenance unit cost’ means, with respect to a State and a fiscal year—

“(aa) the total amount payable to the State under subsection (a)(1) for the preceding fiscal year; divided by

“(bb) the total number of placement days experienced by the State in the preceding fiscal year.

“(II) PLACEMENT DAY.—The term ‘placement day’ means, with respect to a State, a calendar day during all or part of which a child (whether or not eligible for foster care maintenance payments under section 472(a)), other than a child who has been determined to be delinquent and is the subject of an agreement referred to in section 472(a)(2), has been removed from his home and placed into a family foster home, child

1 care institution, or the home of a rel-
2 ative of the child (whether or not a
3 foster care maintenance payment is
4 made on behalf of the child to the
5 family foster home, child care institu-
6 tion, or relative), and during which
7 the State retains legal responsibility
8 for the placement and care of the
9 child.

10 “(C) TIMING.—The Secretary shall make
11 the payment to which a State is entitled under
12 this subsection for a fiscal year, at the end of
13 the fiscal year.

14 “(5) USE OF FUNDS.—

15 “(A) IN GENERAL.—A State to which
16 funds are paid under this subsection may use
17 the funds only in accordance with the approved
18 application of the State under this subsection.

19 “(B) LIMITATION ON USE FOR STAFF
20 COSTS.—A State may not use any funds paid to
21 the State under this subsection to cover the sal-
22 aries or related costs of any staff of any State
23 or local child welfare agency, except to the ex-
24 tent the staff are directly engaged in carrying

1 out an activity referred to in paragraph
 2 (4)(A)(ii).

3 “(6) AVAILABILITY OF FUNDS.—Funds paid to
 4 a State under paragraph (4) shall remain available
 5 to the State for expenditure through the end of the
 6 5th fiscal year ending after the date paid.

7 “(7) REPORT.—As soon as practicable after
 8 each fiscal year for which a State has received funds
 9 under this part, the State shall prepare and submit
 10 to the Secretary a written report on the services pro-
 11 vided through use of the funds, and the effects of
 12 the provision of the services on the outcomes of chil-
 13 dren in the State.”.

14 **TITLE III—EFFECTIVE DATES**

15 **SEC. 301. EFFECTIVE DATES.**

16 (a) ADOPTION ASSISTANCE.—The amendment made
 17 by section 101 shall take effect on October 1, 2008, and
 18 shall apply to adoption assistance agreements executed on
 19 or after that date.

20 (b) FOSTER CARE MAINTENANCE PAYMENTS.—The
 21 amendments made by section 102 shall take effect on Oc-
 22 tober 1, 2008, and shall apply to children removed from
 23 their home and placed into foster care on or after that
 24 date.

- 1 (c) CHILD WELFARE REINVESTMENT FUNDING.—
- 2 The amendment made by section 201 shall take effect on
- 3 October 1, 2008.

